

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MARTIN DALE ESTEP, )  
Plaintiff, )  
v. )  
CLAIBORNE COUNTY SHERIFF'S )  
DEPARTMENT, BRENT CLARK, )  
TAZEWELL POLICE DEPARTMENT, )  
JAKE WILLIAMS, and EDDIE HURLEY, )  
Defendants.<sup>1</sup> )

No.: 3:18-CV-258-CLC-DCP

## **MEMORANDUM & ORDER**

This is a pro se prisoner's complaint for violation of 42 U.S.C. § 1983. Now before the Court is Plaintiff's complaint, which the Court must screen pursuant to the Prison Litigation Reform Act ("PLRA"). *See, e.g.*, 28 U.S.C. §§ 1915(e)(2)(B) and 1915(A); *Benson v. O'Brian*, 179 F.3d 1014 (6th Cir. 1999).

In his complaint, Plaintiff sets forth various allegations regarding different incidents, some of which do not appear to be related to the others [Doc. 2 p. 3–5].<sup>2</sup> Plaintiff does not, however, set forth the date on which any of the alleged incidents occurred, nor does he set forth sufficient information for the Court to determine which, if any, of the named Defendants may be liable for his claims [*Id.*]. As such, Plaintiff’s complaint fails to state a claim upon which relief may be granted under § 1983. Nevertheless, the Court will allow Plaintiff fifteen days from the date of

<sup>1</sup> The Clerk will be **DIRECTED** to update the Court's docket sheet to reflect that Plaintiff named all of these entities and individuals as Defendants [Doc. 2 p. 2].

<sup>2</sup> On February 1, 2019, the United States Postal Service returned the last order the Court attempted to mail to Plaintiff as undeliverable with a notation indicating that Plaintiff is no longer at the Claiborne County Jail [Doc. 6]. Accordingly, the Clerk will be **DIRECTED** to update Plaintiff's address to his permanent home address listed in the complaint [Doc. 2 p. 3].

entry of this order to file an amended complaint regarding this claim. *See LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013) (holding that “[u]nder Rule 15(a) a district court can allow a plaintiff to amend his complaint even when the complaint is subject to dismissal under the PLRA”).<sup>3</sup>

Accordingly:

1. The Clerk is **DIRECTED** to update the Court’s docket sheet to reflect that Plaintiff named the entities and individuals in the style of this order as Defendants [Doc. 2 p. 3];
2. The Clerk is **DIRECTED** to update Plaintiff’s address to his permanent home address listed in the complaint [*Id.*];
3. Plaintiff has fifteen (15) days from the date of entry of this order to file an amended complaint with a short and plain statement of facts setting forth exactly how his constitutional rights were violated and the specific individual(s) and/or entity who violated his constitutional rights;
4. Plaintiff is **NOTIFIED** that any amended complaint Plaintiff files will completely replace the previous complaint;
5. Plaintiff is also **NOTIFIED** that if he fails to timely comply with this order, this action will be dismissed for failure to prosecute and failure to follow the orders of this Court; and
6. Plaintiff is **ORDERED** to immediately inform the Court and Defendants or their counsel of record of any address changes in writing. Pursuant to Local Rule 83.13, it is the duty of a pro se party to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. E.D. Tenn. L.R. 83.13. Failure to provide a correct address to this Court within fourteen days of any change in address may result in the dismissal of this action.

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<sup>3</sup> Plaintiff is **NOTIFIED** that the Court may only address the merits of claims that relate back to Plaintiff’s original complaint under Rule 15 of the Federal Rules of Civil Procedure and are properly joined pursuant to Rule 20(a)(2). Accordingly, Plaintiff **SHALL NOT** attempt to set forth any claims in this amended complaint which do not relate back to his original complaint under Rule 15 or are against parties that are not properly joined under Rule 20(a)(2), as any such claims may be **DISMISSED**.

**SO ORDERED.**

**ENTER:**

*/s/*

**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**